



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date _____

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.

REMARKS

The Examiner asserts that Appellants' Appeal Brief filed November 21, 2006 fails to comply with 37 CFR 41.37. Specifically, the Examiner contends that Appellants' Appeal Brief does comply with 37 CFR 41.37(c)(1)(v). However, Appellants' Appeal Brief does comply with 37 CFR 41.37(c)(1)(v). Appellants' Appeal Brief contains a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which refer to the specification by page and line number and to the drawings by reference characters. Specifically, Appellants' Appeal Brief includes a summary of independent claim 1 on pages 2 - 4, a summary of independent claim 14 on pages 4 - 5, a summary of independent claim 27 on page 5, and a summary of independent claim 36 on pages 5 - 6. Thus, Appellants' Appeal Brief fully complies with CFR 41.37(c)(1)(v).

Additionally, the Examiner notes that the content of Appellants' Appeal Brief is not formatted with each item starting on a separate page. However, there is no requirement under CFR 41.37 that an appeal brief be formatted with each item starting on a separate page. Further, the M.P.E.P. also fails to state any requirement that an appeal brief be formatted with each item starting on a separate page and instead merely provides an example brief that is formatted with each item starting on a separate page.

Furthermore, during a telephone interview on March 8, 2006 with Applicant's undersigned attorney, Examiner Patel agreed that Appellants' Appeal Brief fully complies with 37 CFR 41.37.

CONCLUSION

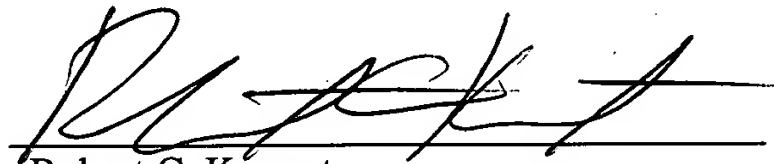
Appellants' submit that the Appeal Brief filed November 21, 2006 fully complies with the requirements of 37 CFR 41.37 and respectfully request that the Board of Patent Appeals and Interferences consider Appellants' appeal.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-65700/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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Date: March 8, 2006